

December 12, 2018

The Honorable Ajit Pai, Chairman
The Honorable Michael O’Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
Federal Communications Commission
455 12th Street, Southwest
Washington, DC, 20544

RE: MB Docket No 05-311 In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992

We are writing in support of Akaku Maui Community Television in the Second Further Notice of Proposed Rule Making. We oppose the tentative conclusions the FCC reaches in the proceeding because of their impacts on our community.

This FNPRM allows cable companies to determine how their “rent” (franchise fee revenue) for use of public right of way will be spent and restricts LFA oversight. Since our PEG Access TV non-profit relies on 3% of cable franchise fees for the majority of funding, the consequences of this rulemaking, if adopted, will decimate these valuable community resources, diminish educational opportunities, eliminate jobs, retard media literacy and do irreparable harm to community communications and civic engagement.

The FCC would define “In-Kind” contributions so broadly as to undermine the Cable Act’s intent to provide franchise fees to communities for use of public rights of way. Any non-monetary benefit could conceivably be charged back against franchise fees – from backhaul services, to electronic program guides, to the value of PEG channel capacity itself. The charge backs would be at fair market value as determined by the cable industry, so we believe in many areas franchise fees might be eliminated in their entirety.

This benefit for people was what was intended when Congress set up the Cable Act. PEG Access does not solely benefit a local government or franchising authority: It benefits and strengthens the community as a whole.

By allowing cable operators to reduce franchise fee support for local communities if they opt for local channels is bad for our democracy and the FNPRM diminishes the ability of PEG channels to serve communities such as ours. We ask that it not be adopted.

Thank you.

Yours sincerely,
Anthony Levoy III
President – Peake & Levoy, LLC